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09/872,647	05/31/2001	Alok K. Srivastava	OI7011402001	1722

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EXAMINER	
RAMPURIA, SATISH	

ART UNIT	PAPER NUMBER
2191	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/872,647	SRIVASTAVA ET AL.	
	Examiner	Art Unit	
	Satish S. Rampuria	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 6/27/07
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. This action is in response to the amendment filed on 06/11/2007.

2. Claims added by the applicants: 33 and 34

3. Claims amended by the applicants: 1, 2, 17, and 32.

4. Claims 1-34 are pending.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but they are not persuasive.

With respect response to Notice of non-compliant amendment, the present amendment is still non-compliant due to the similar deficiency as pointed out in the to Notice of non-compliant. Applicants indicated that the limitation was explicitly recited in the response filed on 12/08/06. Below is more detailed description on what is missing from the claims.

Amendment filed on 12/08/06

1. (Currently Amended) A process for materializing a trace in a markup language syntax, comprising:

receiving a first trace ~~comprising a trace string~~ over a network, the first trace associated with a first trace log;

parsing the first trace ~~string~~;

generating a new version of the first trace in a markup language syntax; and

storing the new version of the first trace in computer readable medium, the first trace capable of navigating to one or more corresponding second traces associated with one or more a second trace logs.

Amendment filed on 10/18/05

1. (Currently Amended) A process for materializing a trace in a markup language syntax, comprising:

receiving a trace comprising a trace string over a network, the trace associated with a first trace log;

parsing the trace string;

generating a new version of the trace in a markup language syntax; and

storing the new version of the trace in computer readable medium, the new version of the trace ~~used to navigate the trace logs.~~ capable of navigating to a second trace log.

As it can be seen clearly that the limitation starting with "storing..." and after medium is missing "new version of the trace" (as filed on August 3,2005 or October 18, 2005) and "the first trace" is not underlined in claim 1 filed on 12/08/06. Therefore, the amendment is still non compliant. Examiner is not sending the non-compliant notice to expedite the prosecution. However, applicants are respectfully requested to make the appropriate changes with next response.

In the remarks, the applicant has argued that:

(i) Berry nor Sotomayor alone or in combination does not disclose, teach, disclose or suggest the claimed limitation of "converting the trace into a markup language syntax..." as recited in claim 1.

Examiner's response:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., converting the trace into a markup language syntax...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(ii) Berry does not disclose, teach or suggest the claimed limitations of "storing the trace... in a computer readable medium, the trace... capable of navigating to a second trace log".

Examiner's response:

In response to applicants arguments that neither Berry nor Sotomayor alone or in combination does not disclose, teach or suggest at least the claimed limitation of "storing... the trace capable of navigating to a second trace log" of claims 1, 17, and 32. Berry discloses trace record (one or more traces) which represents an occurrence of some profiling event of interest. Each trace record contains a starting timestamp representing the time at which the generation of the trace record was commenced and an ending timestamp representing the time at which the generation of the trace record was completed (See summary). Sotomayor discloses scanning one or more documents, automatically identifies significant key topics, concepts, and phrases in the documents, and creates summary pages for and hyperlinks between, these key topics. Although, Sotomayor discloses creating hyperlinks between documents and key topics. Sotomayor is silent on storing... the trace capable of navigating to a second trace log. However, the feature of trace capable of navigating to a second trace log deemed to be inherent to Sotomayor's system. Since, Sotomayor system is capable of creating hyperlinks between key topics (trace log). Therefore, rejection is proper and maintained herein.

Further, Applicants requested for the interview on the same matter (storing the trace... in a computer readable medium, the trace... capable of navigating to a second trace log) which have been discussed on 05/08/06. Therefore, interview

request was not granted and kindly asked applicants to send in the response so that office may respond properly.

(iii) Berry does not and cannot disclose, teach, or suggest simultaneously analyzing more than one trace text file.

Examiner's response:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., converting the trace into a markup language syntax...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(iv) Further, Applicants respectfully submit that there is no motivation to combine the two references.

Examiner's response:

(i) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re*

Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). It is noted that the rejection clearly points out where the combination of Berry and Sotomayor teach the claimed feature and why it would have been obvious to combine their teachings. Specifically, the rejection points out that the motivation to "generating a new version of the first trace in a markup language syntax" would be to provide automatically generating hyperlinks between documents and/or text as suggested by Sotomayor. (col. 3 to 4, lines 57-67 and 1-10). Applicant only makes general allegations of not motivation to combine and does not point out any errors in the rejection. Therefore, the rejection is proper and maintained herein.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Information Disclosure Statement

7. An initialed and dated copy of Applicant's IDS form 1449 filed on 06/27/2007, 2/12/2007 is attached to the instant Office action.

Claim Objections

8. Claim 33-34 objected to because of the following informalities:

Claim 33 is dependent on itself. If it was meant to depend on claim 32 then it should have been computer product claim not method. For the examination purposes it assumed that the claim 33 is dependent on claim 32.

Claim 34 depend on claim 33 and is suffering the same deficiency as claim 33.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,598,012 to Berry et al. (hereinafter called Berry) in view of US Patent No. 5,708,825 to Sotomayor et al. (hereinafter called Sotomayor).

Per claim 1, 3-10:

Berry disclose:

- receiving a first trace (col. 11, lines 34 "trace data is received") over a network, the first trace associate with a first trace log (see fig. 1 and related discussion);
- parsing the first trace string (col. 18, lines 34 "trace record to parse");
- storing the new version of the first trace in computer readable medium, the new version of the first trace capable of navigating to one or more corresponding second traces associated with one or more second trace logs (col. 27, lines 1-8 "... distributed in computer readable medium... communication links").

Berry does not explicitly disclose generating a new version of the first trace in a markup language syntax.

However, Sotomayor discloses in an analogous computer system generating a new version of the first trace in a markup language syntax (col. 4, lines 12-15 "automatically... creates... hyperlinks between... topics").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of creating hyperlinks between the documents or text as taught by Sotomayor into the method of analyzing the trace as taught by Berry. The modification would be obvious because of one of ordinary skill in the art would be motivated to have the hyperlinks between documents or texts (in this case links to traces) to provide automatically generating hyperlinks between documents and/or text as suggested by Sotomayor (col. 3 to 4, lines 57-67 and 1-10).

Per claim 2:

The rejection of claim 1 is incorporated, and further, Berry disclose:

- generating one or more navigating patterns based in part upon results of parsing the trace string (fig. 6 element 614).

Per claim 11, 13, 30:

The rejection of claim 1 is incorporated, and further, Berry disclose:

- receiving a search condition fro emphasizing a pattern (fig. 20A and 22B and related discussion).

Per claim 12:

Berry does not explicitly disclose the new version of trace in markup language syntax comprises a markup language statement for visually highlighting the trace.

However, Sotomayor discloses in an analogous computer system the new version of trace in markup language syntax comprises a markup language statement for visually highlighting the trace (col. 1 to 2, lines 66 and 1-8 "hyperlink source... displayed... hot area... hot area is visually indicated by highlighting... blinking... icon... picture...").

The feature of highlighting the text (in this case trace string) would be obvious for the reasons set forth in the rejection of claim 1.

Per claims 14-16:

The rejection of claim 1 is incorporated, and further, neither Berry nor Sotomayor disclose markup language syntax comprises a variant of SGML and comprises XML and viewing new version of the trace using a browser capable of understanding the markup language syntax.

However, SGML, XML are well know in the art for marking up documents so that they could be parsed by computer programs to display in a browser. HTML is an example of an SGML DTD. XML is a simplified descendant of SGML.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the marking up language SGML and XML to display documents or text using a browser to provide documents available via World Wide Web for access to anytime and from anywhere.

Claims 17-20 are the system claim corresponding to method claims 1-4 respectively and rejected under the same rational set forth in connection with the rejection of claims 1-4 respectively, above.

Claims 21-24 are the system claim corresponding to method claims 7-10 respectively and rejected under the same rational set forth in connection with the rejection of claims 7-10 respectively, above.

Claims 25-27 are the system claim corresponding to method claims 12, 14, and 15 respectively and rejected under the same rational set forth in connection with the rejection of claims 12, 14, and 15 respectively, above.

Claims 28-29 are the system claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Claim 31 is the system program product claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Claim 32 is the computer program product claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Per claim 33:

The rejection of claim 32 is incorporated and further, Berry disclose:

33. (New) The method of claim 33 further comprises:

receiving at least one of the one or more second traces over a network (col. 11, lines 34 "trace data is received"), the at least one of the one or more second traces associated with at least one of the one or more second trace logs (see fig. 1 and related discussion); and

parsing the at least one of the one or more second trace to identify a second information (col. 18, lines 34 "trace record to parse").

Per claim 34:

The rejection of claim 33 is incorporated and further, Berry disclose:

34. (New) The method of claim 33 further comprises:

comparing the first information with a second information (col. 3, lines 35-39 "a starting timestamp of a trace record is compared with the ending timestamp of a preceding trace record, and the difference between the timestamps is directly related to the execution time of the application program or system being profiled"); and

determining a navigation pattern between the trace and the second trace based in part upon a result of the comparing step (fig. 20A and 22B and related discussion.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y.** Zhen can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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